## REMARKS

In response to the action of November 24, 2010, Applicant asks that all claims be allowed in view of the following remarks. Claims 1-41 and 48-50 are currently pending, of which claims 1, 8, 17, 23, 26, 48, and 49 are independent.

### § 103 Rejections

Claims 26-37, 39-41 and 48-50 have been rejected under 35 U.S.C. § 103 as being unpatentable over Miller in view of Weinblatt (5,401,946) in further view of Herz (5,754,938).

Applicant respectfully traverses the rejection. Applicant submits that independent claims 26, 48 and 49 each define subject matter that is patentable over Miller whether taken alone or in any reasonable combination with Weinblatt and Herz.

*Claim 26*

Claim 26 recites a computer-implemented method that includes, among other features, "displaying a new advertisement for a training period" and "determining whether a high or low proportion of members of the user's community have viewed further information about the new advertisement."

As noted in the prior response to office action dated September 7, 2010, Miller and Herz fail to disclose at least the above identified features. (Response dated September 7, 2010, page 14). In the current office action, the examiner now relies on Weinblatt as disclosing these features. (Office Action, page 2). However, Weinblatt fails to remedy the deficiencies of Miller and Herz.

Weinblatt describes a system for monitoring advertisements to which a consumer has been exposed and monitoring subsequent purchasing behavior to analyze whether the advertisements influenced the consumer's purchases. (Weinblatt, abstract). More particularly, Weinblatt describes "monitoring exposure of the consumer to advertisements" and producing a record of "purchase information on purchases made by the consumer in a store." (*Id.*, col. 4, lines 26-34). Thus, Weinblatt's system correlates exposure to an advertisement with purchase information. As such, Weinblatt fails to describe or render obvious "determining whether a high or low proportion of members of the user's community have viewed further information about the new advertisement," as recited in claim 26.

Additionally, Weinblatt fails to describe "determining whether a high or low proportion of members of the user's community have viewed further information about the advertisement" where the user's community based on information received "based upon the activity of a user in an interactive medium." Rather, the cited portions of Weinblatt are silent as to any division of consumer's into different groups based on activity of a user in an interactive medium.

*Claim 48*

Claim 48 recites a method that includes, "receiving from said user computer an indication that the user rejects said first advertisement; and replacing said first advertisement with a second advertisement in response to said rejection indication received from said user."

While the office action states that claim 48 was rejected as being unpatentable over Miller in combination with Weinblatt and Herz, the examiner appears to rely only on Herz. Applicants request clarification of the basis for this rejection.

In the rejection of claim 48, the examiner states "The limitation 'receiving indication that the user rejected the advertisement' is broad enough to include an indication that the user did not buy the advertised product or did not spend enough time reading the product or indicating that the user is not interested." (Office Action, page 6). However, the examiner fails to address that claim 48 requires that the indication be received "from said user computer." Thus, Herz fails to describe or suggest "receiving from said user computer an indication that the user rejects said first advertisement; and replacing said first advertisement with a second advertisement in response to said rejection indication received from said user," as recited in claim 48.

*Claim 49*

As to claim 49, Miller and Herz, alone or in combination, fail to disclose or suggest "storing on a user computer information based upon the activity of at least one user in an interactive medium; receiving by said user computer advertisement criteria; and deciding by said user computer if an advertisement is to be shown at said user computer based upon said information and said advertisement criteria," as recited in claim 49.

For example, the office action cited col. 54, line 54 to col. 55, line 22 of Herz as disclosing "receiving by the user computer advertisement criteria and deciding by the user computer if an advertisement is to be shown." (Office Action, page 6) However, the cited

portion of Herz describes a method to "retrieve a file associated with a given target object." The cited portion of Herz does not support the assertion of the office for which it is cited; in other words, the cited portion of Herz does not disclose "deciding by said user computer if an advertisement is to be shown at said user computer based upon said information and said advertisement criteria."

For at least the foregoing reasons, independent claims 26, 48, and 49 each define subject matter that is patentable over Miller, Weinblatt and Herz, as do dependent claims 27-41 and 50.

**Conclusion**

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant submits that all claims are in condition for allowance. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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